

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HERMAN MILLER, INC. and
THE ISAMU NOGUCHI FOUNDATION
AND GARDEN MUSEUM,

Plaintiffs,

v.

MANHATTAN HOME DESIGN LLC,
BARCELONA DESIGNS, and
DANIEL JAVIER LEVY,

Defendants.

Case No. 20-cv-6172-ALC

**JOINT MOTION TO JOIN
LIVING GROUP LLC
AS A DEFENDANT AND AMEND
CAPTION**

Plaintiffs Herman Miller, Inc. (“Herman Miller”) and The Isamu Noguchi Foundation and Garden Museum (“The Noguchi Museum”); together with Defendants Manhattan Home Design LLC, Barcelona Designs, and Daniel Javier Levy, as well as new party Living Group LLC (“Living Group”) bring this Joint Motion to request that Living Group be joined as a defendant in this action and that the caption of the case be amended accordingly.

At the time that Plaintiffs filed this action, they were unaware that Manhattan Home Design LLC and Barcelona Designs are not operating entities but are simply the names under which Living Group does business, making Living Group the real party in interest and a necessary and indispensable party within the contemplation of Fed. R. Civ. P. 19(a). All the parties – including Living Group – have now entered into a Settlement Agreement that contemplates the entry by the Court of a Stipulated Judgment against all the existing defendants, as well as Living Group. To expedite and facilitate the entry of that judgment (which will dispose of the entire case), the parties jointly and respectfully request that the Court enter an order joining Living Group to this action as a co-defendant and amending the caption accordingly, so that the Stipulated Judgment may then be entered with respect to it, as well as the existing defendants. Living Group consents to personal jurisdiction, and to being joined as a co-defendant.

Dated: August 27, 2021 Respectfully submitted,

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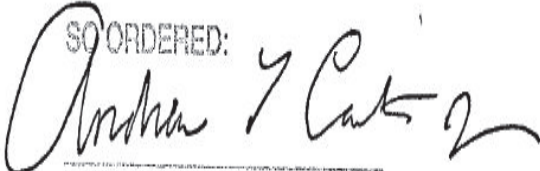
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LEVY and LIVING GROUP LLC

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

August 30, 2021